

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director
Patrick T. Simpson, Deputy Director



237 Don Gaspar, Room 25
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New Mexico Language Access Advisory Committee Minutes March 14, 2104

Members Present:

Honorable Nan Nash, Co-Chair
Honorable Darren Kugler, Co-Chair
Honorable Edward Chávez
Barbara Shaffer
Lisa Dignan
Amy Lovekin
Anna Lujan
Alex Araiza
Jesús Sifuentes
Blanche Raymond Charles
Magdalena Giron
Barbara Creel

AOC Staff: Pam Sánchez

Members Absent:

Arthur Pepin
Catalina Ybarra
Renee Valdez

Guests:

Aimee Rivera
Anabel Vela
Esther Poblet
Jean Lyle
Lisa O'Grady
Peggy Cadwell
Rose Marie De Leon
Tikie Hodges
Bethany Korp-Edwards

1. The meeting was called to order by Co-Chair, Nan Nash at 9:05 a.m., who introduced new member and Co-Chair, Judge Darren Kugler, Third Judicial District Court. Members and guests present were introduced. A quorum was established.

Prior to moving on with approval of the agenda, Judge Nash acknowledged that the issue of delayed payments to interpreters is of great concern and that it has been discussed at the NM Translators and Interpreters Association and with AOC. She informed the group that this issue would not be added to the agenda, since Artie Pepin, AOC Director, was unable to attend due to a meeting of the Chief Judges Council in Santa Fe. Pam Sánchez then read a message from Artie, which was e-mailed to all interpreters during the meeting, inviting interpreters to meet with him on Saturday, March 29, 10 a.m. – Noon, at the State Bar Building, 5121 Masthead NE, Albuquerque, N.M. to discuss the payment issues.

2. The agenda was approved as distributed.
3. Minutes for the January 10th meeting were corrected as attached.
Justice Chávez moved/Barbara Shaffer seconded approval of the minutes.
ACTION: Minutes with changes were approved.
4. Appointment of Work Group on Language Access for those with Illiteracy and Processing Disorders: Judge Nash led the discussion, indicating that this issue has come up both in the Statewide Language Access Plan and with the New Mexico Judicial Translation Project.
ACTION: The committee agreed by consensus to appoint Aimee Rivera, Peggy Cadwell, Patricia Gallindo (AOC Associate Attorney), Lisa Dignan, and Jesus Sifuentes to this work group. Aimee Rivera will call the first meeting and Pip Lustgarten will be asked to attend.
5. Certification Numbers for Interpreters: Amy Lovekin requested that the AOC assign identification numbers to interpreters since many employers outside of the court system request them and other states, such as California, provide them. Judge Kugler moved, and Alex Araiza seconded the motion that certification numbers be assigned to interpreters.
ACTION: Assignment of interpreter certification numbers to interpreters was approved.
6. Proposed Changes to the Supreme Court Rules Re Use of Certified Interpreters in Courts of Limited Jurisdiction: Justice Chávez introduced the topic and the request from the Supreme Court that the committee make a recommendation as to whether or not the Court should forward the proposed rule changes out for comment. Extensive discussion focused on due process issues should the rules be so changed, the impact on Pro Se litigants, and the fact that the case should not and cannot be made that actions taken in courts of limited jurisdiction are insignificant and therefore should not be subject to as stringent rules regarding the provision of language access.
ACTION: While no formal action was taken. It was agreed that Justice Chávez will report to the Supreme Court as to the LAAC discussion.
7. Standards of Professional Responsibility: Bethany Korp-Edwards introduced the work group, Peggy Cadwell, Aimee Rivera, Judge Nan Nash, and Andrea Cutter, and its charge to simplify the current Code of Professional Conduct for Interpreters and make it less redundant. She reviewed the most recent version edited to include LAAC recommended changes and volunteered that there is a similar, alternate version that includes a brief description of each of the four canons. Following discussion, Judge Kugler moved, and Alex Araiza seconded a motion to distribute the current draft, with short explanations, to interpreters for comment. Subsequent discussion led to a friendly amendment to the motion replacing the word "recuse" in Standard 4 with "ask to withdraw;" replacing the bullets in each standards with numbers or letters; and replaced the word "never," Standard 3, bullet 4, page 2 with "do

not."

ACTION: Approved motion with noted changes. Draft will be sent to interpreters for comment; the work group will synthesize the comments and bring the Standards back to the committee in May.

8. LAAC Plan of Work FY14: Pam Sánchez reviewed ongoing and new priorities as established in the LAAC approved Statewide Language Access Plan, which is pending Supreme Court review. Following discussion the following LAAC workgroups were identified:

Language Access Specialists: Finalize Ethical Standards for LAS, look at standards of practice and LAS assignments across courts, developing recommendations to LAAC and AOC.

Members: Anna Lujan (will call meeting), Samantha Pipkin, Crystal Hyer, Renee Valdez, Jorge Montes. Paula Couselo or Pam Sánchez will provide staff support and coordinate with AOC HR and NMCLA.

Outreach & Recruitment of Interpreter Candidates: Will focus on recruitment and mentoring of Asian language interpreters and coordination with NMCLA regarding mentoring support for Spanish-language certification candidates.

Members: Tikie Hodges, Grace Hsu (both Tikie and Grace have been working with AOC on this issue for about three years), Amy Lovekin, Lisa O'Grady. Paula Couselo will provide staff support and coordination with NMCLA.

Language Access Services Performance Measure: Pam will confirm with AOC as to whether this is actually a priority or not. If so, she will report back to LAAC with details and a work group may be appointed.

Attorney Training: Develop CLE for attorneys on language access requirements per state and federal law, how to request and work with interpreters, etc.

Members: Barbara Creel (will convene group), Nan Nash, Lisa O'Grady, Lisa Dignan, Paula Couselo and Aimee Rivera.

9. It was agreed by consensus that the July 11, 2014 LAAC meeting will be held in Las Cruces with video-conferencing from Albuquerque and other court locations to be announced.

REPORTS

10. Interpreter Scheduling Management System: Pam reported that AOC will be working with Gridcheck and that the system will go live in early April.
11. 2014 Interpreters Conference: Lisa Dignan reported that this year's conference is scheduled for September 27-28 at the Indian Pueblo Cultural Center in Albuquerque. The focus is on Cultural Diversity and Interpreting and will include a number of culture-specific workshops as well as panel discussions with those who use interpreting services, such as court participants, patients, attorneys, doctors, judges.

12. Training for Interpreters working with NES/LEP Jurors: Aimee Rivera reported that this stand-alone, web-based training should be available for pilot-testing this summer. It will be formatted and offered in conjunction with NMCLA.

NEXT MEETING:

Friday, May 9th, 9:00 a.m. – Noon

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New Mexico Language Access Advisory Committee Agenda- Friday, January 10, 2014

Minutes

Members Present

Judge Nan Nash, Co-Chair
Justice Edward Chávez
Magdalena Giron
Lisa Dignan
Amy Lovekin
Blanche Raymond-Charles
Renee Valdez
Alex Araiza
Barbara Creel
Barbara Shaffer
Anna Lujan
Catalina Ybarra

Members Absent

Judge Darren Kugler, Co-Chair
Arthur Pepin

Guests Present

Anabel Vela
Paula Couselo
Pip Lustgarten
Bethany Korp-Edwards
Esther Poblet
Jesús Sifuentes
Aimee Rivera

AOC Staff Present

Pam Sánchez

1. Co-Chair Nan Nash called the meeting to order at approximately 9:10 a.m. and a **quorum** was established.
2. The agenda was approved with removal of item **#11**. A report by Artie Pepin on previous LAAC recommendation.
3. The November 8, 2013 minutes were approved with the following changes (see attachment with changes highlighted): item #5 added a reference to the discussion held regarding making the NES juror training mandatory for all interpreters interpreting for jurors and item #9 corrected the spelling of Esther Poblet's surname.
4. Code of Professional Conduct Work Group Report was presented by Bethany Korp-Edwards. She reported that the group has worked to simplify the code of conduct, refining it to four key standards with most of the specific **tenets** of the current code **falling** within one of the four primary standards. After discussion, the committee recommended some edits, which Bethany will incorporate for LAAC review prior to the "final" draft being sent out to the interpreters for comment. (See attached)
5. Limited and Non-English Speaking Jurors Interpreter Training: Aimee Rivera reported for the Work Group and the primary discussion focused on the proposed additions to the Standards of Practice. A few minor changes were recommended and a final version of the recommended additions to the Standards of Practice, moved for

approval by Magdalena Giron, seconded by Alex Araiza, and approved by the LAAC, are attached. These will be distributed to interpreters for comment following the March LAAC meeting. Aimee also reported that the work group is looking at NMCLA technology and considering a two hour online training for those interpreters who interpret for jurors. LAAC members were in support of this user-friendly approach for this mandatory training.

6. 2014 LAAC Membership Recommendations to fill interpreter vacancies were discussed and acted upon in executive session. The committee agreed to recommend Mohamed Ali and Jesús Sifuentes to the Supreme Court for appointment to LAAC.
7. Illiteracy as a Language Access Issue – LAAC Role: Pip Lustgarten, AOC consultant supporting the work of the NM Judicial Translation Project Team, explained that the Translation Project asked that the issue of illiteracy, relating to language access in the broader perspective, be referred to the LAAC for its consideration. After discussion regarding broadening the focus beyond illiteracy as commonly understood to include a range of print disabilities, such as dyslexia, blindness, and processing disorders, it was moved by Lisa Dignan, seconded by Amy Lovekin, and approved by the membership, that LAAC appoint a work group to address this spectrum of issues from a language access perspective. The work group is to be appointed at the March LAAC meeting.
8. LAAC 2014 Plan of Work – Tabled until March 14, 2013 LAAC Meeting
9. Interpreter Scheduling Management System: Pam Sánchez reported that implementation with identified vendor, scheduleinterpreter.com, is on hold while various detail are being addressed.
10. Language Access Basic Training (LABT) National Project: Paula Couselo, NMCLA Director, provided an update on AOC's SJI-funded training project. A pilot test of the full LABT Suite was conducted in December with 136 participants from seven states, including New Mexico. Overall the feedback is very positive. The final product will be distributed by the National Center for State Courts. The technology developed for delivery of the product will be used to support NMCLA's other New Mexico, as well as national, training efforts.
11. Next Meeting: Friday, March 14, 9:00 a.m. – Noon